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PATENT MAINTENANCE  
DIVISION

2006 APR -5 PM 2:56

US PATENT & TRADEMARK  
OFFICE**FACSIMILE TRANSMITTAL SHEET**

TO:	DEPOSIT ACCOUNT BRANCH	FROM:	Carolyn Meigs
COMPANY:	USPTO	DATE:	TUESDAY, APRIL 04, 2006
FAX NUMBER:	(571)272-6500	TOTAL NO. OF PAGES INCLUDING COVER:	5
PHONE NUMBER:	(571)272-6500	SENDER'S REFERENCE NUMBER:	002.4005
RE:	CHARGE DISPUTE/ REFUND REQUEST	REFERENCE NUMBER:	10/628,085

To Whom It May Concern:

Our deposit account (50-2091) was charged \$120.00 on 3/15/06 for a one month extension of time in reference to the above application. An additional \$330.00 was charged on 3/31/06 for fees in regard to a second month extension of time.

As the attached documents indicate, the period for reply expired on 2/13/06 and was in fact filed on 3/13/06, one month beyond the expiration date. Please credit our deposit account (50-2091) for the additional \$330.00, or advise us why these charges are valid.

Thank you for your assistance.

Carolyn Meigs  
Billing Administrator  
Ingrassia Fisher & Lorenz, P.C.

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THIS MESSAGE IS INTENDED ONLY FOR THE USE OF THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAWS. IF THE READER OF THIS MESSAGE IS NOT THE INTENDED RECIPIENT, OR THE EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE MESSAGE TO THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE AND RETURN ORIGINAL MESSAGE TO US AT THE ABOVE ADDRESS VIA U.S. POSTAL SERVICE.

THANK YOU.

03/29 161	11351306	CS28625 (001.5042)	1111	✓\$500.00	\$13,854
03/29 162	11351306	CS28625 (001.5042)	1311	✓\$200.00	\$13,754
03/29 163	11351306	CS28625 (001.5042)	1051	✓\$130.00	\$13,624
03/29 164	11351306	CS28625 (001.5042)	1201	✓\$200.00	\$13,424
03/29 165	11351306	CS28625 (001.5042)	1202	✓\$1,800.00	\$11,624
03/29 458	11323190	001.5032	8021	✓\$40.00	\$11,584
03/30 15	E-REPLENISHMENT		9203	✓\$5,000.00	\$16,584
03/30 31	11351275	CS28886(001.5044)	1201	✓\$600.00	\$15,984
<b>DISPUTE</b>	03/31 1	10628085	<del>H0005845-1170-001-1065-1252</del>	\$330.00	\$15,654
	03/31 136	11351275	001.5044	✓\$40.00	\$15,614
	03/31 146	11351304	001.5043	✓\$40.00	\$15,574
	03/31 168	11351306	001.5042	✓\$40.00	\$15,534

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$16,548.37	\$51,464.00	\$50,460.00	\$15,534.37

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3/13/2006 8:04:52 PM-[Eastern Standard Time]  
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**XXXXXXXXXXXX**

PAGE 3/5 \* RCVD AT 4/4/2006 7:54:50 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-6/31 \* DNIS:2736500 \* CSID:4803855061 \* DURATION (mm:ss):01:40

3/11

# **Advisory Action Before the Filing of an Appeal Brief**

Application No. (

10/628,085

Applicant(s)

GAYME ET AL.

Examiner

Ronnie Mancho

Art Unit

3883

—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

THE REPLY FILED 21 December 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## **NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

## **AMENDMENTS**

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.118 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1, 2, 5, 7, 9, 10, 12, 14, 18, 19, 21-23, 28, 29, 31, 38 and 37.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

## **AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(a).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

## **REQUEST FOR RECONSIDERATION/OTHER**

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  
13. ☒ Other: See Continuation Sheet.

JACK KEITH  
SUPERVISORY PATENT EXAMINER



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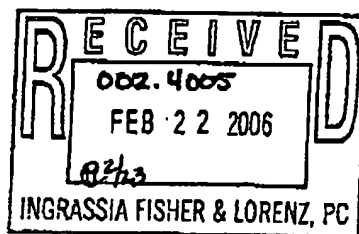
APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,085	07/24/2003	Dennice F. Gayme	H0005645-1498	3321
128	7390	02/13/2006	3026	
HONEYWELL INTERNATIONAL INC. 101 COLUMBIA ROAD P O BOX 2245 MORRISTOWN, NJ 07962-2245			EXAMINER MANCHO, RONNIE M	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 02/13/2006

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Please find below and/or attached an Office communication concerning this application or proceeding.

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